

AMENDED IN ASSEMBLY JUNE 27, 2003

AMENDED IN ASSEMBLY JUNE 5, 2003

AMENDED IN SENATE APRIL 24, 2003

SENATE BILL

No. 1025

Introduced by Senator Escutia

February 21, 2003

An act to amend Section 12955.1 of, *and to add Section 12955.1.1 to*, the Government Code, relating to fair housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 1025, as amended, Escutia. Fair housing: multilevel townhouses.

The existing California Fair Employment and Housing Act (FEHA) makes it unlawful to discriminate against any person in any housing accommodation on the basis of race, color, religion, sex, marital status, national origin, ancestry, familial status, or disability. It permits the Department of Fair Employment and Housing to engage in affirmative actions to prevent and provide for effective remedies against housing discrimination.

Under existing law, discrimination includes, but is not limited to, a failure to design and construct a covered multifamily dwelling in a specified manner. Existing law provides that regulations adopting building standards necessary to implement, interpret, or make specific these provisions are required to be developed by the Office of the State Architect for public housing and by the Department of Housing and Community Development for all other residential occupancies, as specified.

This bill would revise the definition of discrimination to include prescribed requirements relating to multistory dwelling units.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12955.1 of the Government Code is
2 amended to read:

3 12955.1. (a) For purposes of Section 12955,
4 “discrimination” includes, but is not limited to, a failure to design
5 and construct a covered multifamily dwelling in a manner that
6 allows access to, and use by, disabled persons by providing, at a
7 minimum, the following features:

8 (1) All covered multifamily dwellings shall have at least one
9 building entrance on an accessible route, unless it is impracticable
10 to do so because of the terrain or unusual characteristics of the site.
11 The burden of establishing impracticability because of terrain or
12 unusual site characteristics is on the person or persons who
13 designed or constructed the housing facility.

14 (2) All covered multifamily dwellings with a building entrance
15 on an accessible route shall be designed and constructed in a
16 manner that complies with all of the following:

17 (A) The public and common areas are readily accessible to and
18 useable by handicapped persons.

19 (B) All the doors designed to allow passage into and within all
20 premises are sufficiently wide to allow passage by handicapped
21 persons in wheelchairs.

22 (C) All premises within covered multifamily dwelling units
23 contain the following features of adaptable design:

24 (i) An accessible route into and through the covered dwelling
25 unit.

26 (ii) Light switches, electrical outlets, thermostats, and other
27 environmental controls in accessible locations.

28 (iii) Reinforcements in bathroom walls to allow later
29 installation of grab bars around the toilet, tub, shower stall, and
30 shower seat, where those facilities are provided.

31 (iv) Useable kitchens and bathrooms so that an individual in a
32 wheelchair can maneuver about the space.



~~(b) For purposes of this section, the following definitions shall apply:~~

~~(1) “Covered multifamily dwellings” mean buildings consisting of four or more condominium dwelling units and three or more rental apartment dwelling units if the buildings have one or more elevators; and ground floor dwelling units in other buildings consisting of four or more condominium dwelling units and three or more rental apartment dwelling units. Dwelling units within a single structure separated by firewalls do not constitute separate buildings for purposes of this definition. In multistory rental apartment or condominium dwelling units in buildings without elevators, the primary entry is the principal entrance through which most people enter the dwelling unit, as designated by the California Building Standards Code or, if not designated in that code, by the building official.~~

~~(2) “Multistory dwelling unit” is a rental apartment or condominium dwelling unit with finished living space located on one floor and on the floor or floors directly above or below it.~~

~~(c) Ten percent, of the multistory rental apartment or condominium dwelling units in buildings without elevators shall be designed and constructed in a manner that incorporates an accessible route to the primary entry level entrance and that meets the requirements of paragraph (2) of subdivision (a) with respect to at least one bathroom on the primary entry level. An elevator is not required within an individual multistory dwelling unit. To determine the total number of entry levels that shall meet the requirements of paragraph (2) of subdivision (a), more than one covered multifamily structure on a site shall be considered as one building. Any fraction thereof shall be rounded up to the next whole number. The requirement of this subdivision shall apply to covered multistory rental or condominium units in buildings for which an application for a construction permit is submitted on or after July 1, 2005.~~

~~(d)~~

(b) For purposes of Section 12955, “discrimination” includes, but is not limited to, a failure to design and construct 10 percent of the multistory dwelling units in buildings without elevators in a manner that incorporates an accessible route to the primary entry level entrance and that meets the requirements of paragraph (2) of subdivision (a) with respect to the ground floor and at least

1 *one bathroom on the primary entry level. In multistory dwelling*
2 *units in buildings without elevators, the “primary entry level*
3 *entrance” means the principal entrance through which most*
4 *people enter the dwelling unit, as designated by the California*
5 *Building Standards Code or, if not designated by California*
6 *Building Standards Code, by the building official. To determine the*
7 *total number of multistory dwelling units subject to this*
8 *subdivision, all covered multifamily structures on a site shall be*
9 *considered as one building. Any fraction thereof shall be rounded*
10 *up to the next whole number. This subdivision shall not be*
11 *construed to require an elevator within an individual multistory*
12 *dwelling unit. This subdivision shall apply only to multistory*
13 *dwelling units in a building for which an application for a*
14 *construction permit is submitted on or after July 1, 2005.*

15 (c) Notwithstanding Section 12935, regulations adopting
16 building standards necessary to implement, interpret, or make
17 specific the provisions of this section shall be developed by the
18 Office of the State Architect for public housing and by the
19 Department of Housing and Community Development for all
20 other residential occupancies, and shall be adopted pursuant to
21 Chapter 4 (commencing with Section 18935) of Part 2.5 of the
22 Health and Safety Code. Prior to the effective date of regulations
23 adopted pursuant to this subdivision, existing federal accessibility
24 standards that provide, to persons with disabilities, greater
25 protections than existing state accessibility regulations shall apply.
26 After regulations pursuant to this subdivision become effective,
27 particular state regulations shall apply if they provide, to persons
28 with disabilities, the same protections as, or greater protections
29 than, the federal standards. If particular federal regulations
30 provide greater protections than state regulations, then those
31 federal standards shall apply. If the United States Department of
32 Housing and Urban Development determines that any portion of
33 the state regulations are not equivalent to the federal standards, the
34 federal standards shall, as to those portions, apply to the design and
35 construction of covered multifamily dwellings until the state
36 regulations are brought into compliance with the federal
37 standards. The appropriate state agency shall provide notice
38 pursuant to the Administrative Procedure Act (Chapter 5
39 (commencing with Section 11500) of Part 5 of Division 3 of Title
40 2) of that determination.



~~(e)~~

(d) In investigating discrimination complaints, the department shall apply the building standards contained in the California Building Standards Code to determine whether a covered multifamily dwelling is designed and constructed for access to and use by disabled persons in accordance with this section.

~~(f)~~

(e) The building standard requirements for persons with disabilities imposed by this section shall meet or exceed the requirements under the federal Fair Housing Amendments Act of 1988 (P.L. 100-430) and its implementing regulations (24 C.F.R. 100.1 et seq.) and the existing state law building standards contained in the California Building Standards Code.

SEC. 2. Section 12955.1.1 is added to the Government Code, to read:

12955.1.1. For purposes of Section 12955.1, the following definitions shall apply:

(a) "Covered multifamily dwellings" means both of the following:

(1) Buildings that consist of at least four condominium dwelling units or at least three rental apartment dwelling units if the buildings have at least one elevator. For purposes of this definition, dwelling units within a single structure separated by firewalls do not constitute separate buildings.

(2) The ground floor dwelling units in buildings that consist of at least four condominium dwelling units or at least three rental apartment dwelling units if the buildings do not have an elevator. For purposes of this definition, dwelling units within a single structure separated by firewalls do not constitute separate buildings.

(b) "Multistory dwelling unit" means a condominium dwelling unit or rental apartment with finished living space on more than one floor.